

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,833	03/30/2001	Steven Lemay	IGTECH.0005P	6122

7590 05/06/2003
R. Scott Weide
Weide & Associates, Ltd.
11th Floor, Suite 1130
330 South 3rd Street
Las Vegas, NV 89101

EXAMINER

ENATSKY, AARON L

ART UNIT	PAPER NUMBER
----------	--------------

3713

DATE MAILED: 05/06/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,833

Applicant(s)

LEMAY ET AL. *CA*

Examiner

Aaron L Enatsky

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 03/18/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 37-40, 42, 44, 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,263,392 to McCauley in view of Request For Comments: 951 by Croft et al. ("Croft"). In regard to claims 37, 42, and 48 McCauley teaches a method and apparatus for interfacing peripheral devices to a host computer (Abstract). The peripheral devices include controllers and monetary authentication devices (Abstract), which effect operability of the host game machine. The peripheral devices also contain control code for interfacing with the host machine and other peripheral devices (1:34-2:20). Furthermore, the system was built to meet a long felt need to increase energy efficiency and reduce cost and complexity of computer interface hardware designs (2:35-38). McCauley does not however detail a host device providing control code necessary to operate peripheral devices. Croft teaches a client machine connected to a server machine in which the client machine sends a BOOTP or bootstrapping request to the server and the server provides a bootfile, otherwise known as operating code, to be loaded into

Art Unit: 3713

memory and executed by the client machine (Page 1). Croft teaches such a system to provide an unattended power-up to a machine that lacks permanent operating code storage (Page 1). Other well-known reasons behind remote bootstrapping is efficient software updating without requiring manual software updating on every peripheral device in use. Croft's steps include transmitting control code from a host in response to a client request, storing control code at the client machine, and executing control code at the client machine (Page 1-2). One would be motivated to modify McCauley to include automatic operating code downloads in peripheral devices taught by Croft because automated system maintenance would aid in reducing cost and complexity of computer interface hardware designs, which is a major impetus for McCauley's system design. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCauley to use the automatic operating code downloads taught by Croft to reduce cost and complexity of the peripheral devices.

In regard to claim 38 and 46, Croft teaches that a client device need only contain code enough to request operating control code from a host device (Page 1).

In regard to claims 39-40, Croft teaches downloading control code during boot operation (Page 1), which would happen during every system power-up including removing power from the device.

In regard to claim 44, Croft teaches a controller identifies client device to transmit control code (Page 3).

In regard to claim 47, Croft teaches use read-only memory for storing resident code (Page 1).

In regard to claim 49, McCauley teaches using USB as one of plurality of interfaces for connecting peripheral devices to a host machine (2:40-62).

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCauley in view of Croft as applied to claims 37-40, 42, 44, 46-49 above, and further in view of US Patent No. 6,052,779 to Jackson et al. ("Jackson"). McCauley in view of Croft teaches the limitations as discussed above, but does not teach sending a polling signal to peripheral devices and peripheral devices responding by sending a control code request. Jackson teaches a polling request sent to client systems from a controlling system that causes client systems to respond by sending a control code request to the controlling system (Abstract). Jackson teaches such an operation to allow client device startup before a target start-up time (Abstract). One would be motivated to modify McCauley in view of Croft to use the remote polling taught by Jackson to allow greater remote control over peripheral devices which would further reduce the maintenance costs by through further automation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCauley in view of Croft to include remote polling taught by Jackson for increased cost reductions.

Claims 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCauley in view of Croft as applied to claims 37-40, 42, 44, 46-49 above, and further in view of US Patent No. 5,802,592 to Chess et al. ("Chess"). McCauley in view of Croft teaches the limitations as discussed above, but does not teach control code authenticating before transmitting control code or periodically verifying control code. Chess teaches a system and method for protecting integrity of control code (Abstract), which involves authenticating control code during the bootstrapping process (2:51-67). Chess also teaches regularly verifying authenticity of the

Art Unit: 3713

control code contents (Abstract). One would be motivated to modify McCauley in view of Croft to use bootstrapping authentication taught by Chess as Chess teaches that verifying control code is important to detect accidental or malicious code changes (1:10-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCauley in view of Croft to use bootstrapping authentication taught by Chess to increase system security.

Response to Arguments

Applicant's arguments with respect to claims 37-49 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Prior Art

Irwin et al. '527 teaches a system and method for remote control program loading.

McCall et al. '829 teaches a system for booting a remote computer over a network.

Lovelace et al. '431 teaches a system for securing bootstrapping operations.

Arbaugh et al. '678 teaches a system for a secure and reliable bootstrap architecture.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

Art Unit: 3713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky
May 1, 2003

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a horizontal line underneath.

**KIM NGUYEN
PRIMARY EXAMINER**